S.B. CIVIL WRIT PETITION NO.1439/1995.
(Smt. Durga Devi Vs. State of Rajasthan and Ors.)

DATE OF ORDER : 14.02.2007.

HON'BLE MR. GOVIND MATHUR, J.

None present for the petitioner
Mr. B.L. Tiwari, Dy.G.A., for the respondent/s.

By this petition for writ, a challenge is given to the order dated 25.4.1995 whereby the petitioner was reverted on the post of Senior Teacher to her original post i.e. Teacher Gr.III.

In brief the facts of the case are that under an order dated 2.3.1995, the District Education Officer (Girls) Pali promoted the petitioner purely on ad hoc basis as Senior Teacher against the vacancies pertaining to the year 1994-95, with a specific stipulation therein that in the event of availability of senior candidates, the petitioner shall be reverted to her original post. By the order impugned on availability of certain Teachers Gr.III, senior than the petitioner the Deputy Director (Girls), Department of Education, Jodhpur Zone, Jodhpur passed the order dated 25.4.1995 reverting the petitioner to her original post.

While giving challenge to the order aforesaid, the contention of the petitioner is that no meeting of Departmental Promotion Committee is convened by the respondent, therefore,

there was no occasion to revert her to the original post i.e. Teacher Gr.III under the order impugned.

No reply to the writ petition has been filed on behalf of the respondents.

From perusal of the averments contended in the writ petition and also from persual of the document Annexure-1, it is apparent that the promotion given to the petitioner was purely on urgent-temporary basis, a specific stipulation that she shall be reverted to her original post on availability of Teacher Gr.III, Senior to her. The Deputy Director (Girls), Department of Education, Jodhpur Zone, Jodhpur under the order impugned dated 25.4.1995 reverted the petitioner to her original post only on the count that there were certain persons senior to her were available in accordance with the eligibility list pertaining to District Pali. It is well settled that the promotion even on ad hoc capacity is required to be made by ad hearing the seniority. In the instant case, the respondents acted quite fairely while first giving promotion even on ad hoc to the person senior than the petitioner, as such, the order dated 25.4.1995 does not suffer from any illegality.

I do not find any merit in this petition for writ and the same, therefore, is dismissed.

(GOVIND MATHUR),J.

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